

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 95-213

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### 2. Form, Style and Placement in Administrative Code

- a. In SECTION 3, the amended text should begin with DOD 6.03 (13r) instead of DOD 6.03 (16).
- b. In s. DOD 6.18 (2) (a), the notation “\$” should be inserted before the number “1.5” to accurately reflect the existing Administrative Code provision.
- c. In s. DOD 6.18 (3), “~~must comply~~” should be placed immediately after “~~The recipient of funds.~~”
- d. In s. DOD 6.18 (4) (b), “the limits in par. (a)” should be underscored because it is inserted material.
- e. In s. DOD 6.18 (4) (am), the phrase “of this rule” should be replaced by the phrase “of this paragraph .... [revisor inserts date].”
- f. In s. DOD 6.18 (4) (e) 1. and (5) (d), the word “such” should be replaced by the word “the.”

#### 4. Adequacy of References to Related Statutes, Rules and Forms

- a. In s. DOD 6.01, “, as it may be amended” should be deleted because the cite refers to the law at the time the rule is promulgated. [See s. 2.08 (5), Manual.] This comment also

applies to s. DOD 6.03 (1r). Also, in that section, the chapter in the U.S. Code (U.S.C.) that relates to community development includes 42 U.S.C. ss. 5301 to 5321. Should these sections be included in the cite? Alternatively, the entire chapter in the U.S.C. (ch. 69) could be cited.

b. In s. DOD 6.14, the cites to s. DOD 6.03 (16) should be to s. DOD 6.03 (13r). Also, in that section, “(f)” should be “(1f).”

c. In s. DOD 6.15 (1) (b), the cite to federal law could be more specific. It appears that the appropriate cite is 42 U.S.C. s. 5304 (m).

d. In s. DOD 6.15 (1) (k), the cite to 24 C.F.R. s. 470.483 (b) (4) should be to 24 C.F.R. s. 570.483 (b) (4).

e. Section DOD 6.18 (4) (am) refers to a prescribed form. The department should ensure that the requirements of s. 227.14 (3), Stats., are met.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. DOD 6.03 (1m), it appears that including the definition of “business” is unnecessary. When the term is used in the proposed rule-making order, it is always followed by the phrase “that will benefit from the economic development grant” which makes clear what “business” means in that context.

b. In s. DOD 6.03 (1r), it appears that the term “small cities development fund grant” is never used in subchs. I and II. Does the definition define the economic development fund grant?

c. In s. DOD 6.03 (14r), what does the phrase “low to moderate income” mean? Could the definition refer to persons whose income is below the “median household income” defined in sub. (5)?

d. Could s. DOD 6.14 be deleted? The introductory paragraphs in ss. DOD 6.01 and 6.03 clearly state that those sections apply to subch. II and the other sections cited in s. DOD 6.14 are general or are clear regarding to which provisions they apply. If s. DOD 6.14 is not deleted, the section should be reviewed to insert commas between listed subsections where necessary. Several are missing as the section is currently drafted. Also, in that section, it is unclear why the cites to s. DOD 6.03 (15) are included.

e. In s. DOD 6.15 (1) (k), a hyphen should be inserted after each instance of the word “low.”

f. In s. DOD 6.15 (2) (a), the comma should be replaced with “and.”

g. In s. DOD 6.16 (3), it may be clearer to place “for each job created or retained” after “\$10,000.”

h. In s. DOD 6.18 (1), the comma after “prior economic development program awards” in the last sentence should be deleted.

i. In s. DOD 6.18 (4) (b), the period at the end of the paragraph should not be stricken through.

j. In s. DOD 6.18 (4) (c), the comma after “par. (a)” should be deleted and a comma should be inserted after “(am).” Also, it appears that the phrase “and retain” should be deleted.

k. In order to clarify s. DOD 6.18 (4) (e) 3., either a comma should be inserted after the word “and” or the comma should be deleted and replaced with the word “or.”

l. In s. DOD 6.18 (5) (a), the comma after “sub. (4) (a) or (am)” should be deleted.